

AN ORDINANCE BY

COUNCILMEMBER "ABLE" MABLE THOMAS

"Able" Mable Thomas
Clair Muller
AN ORDINANCE TO AMEND SECTION 138-9 OF
THE CODE OF ORDINANCES FOR THE PURPOSE
REQUIRING THE PUBLIC SERVICE DIVISION OF
THE DEPARTMENT OF PUBLIC WORKS TO NOTIFY
THE IMPACTED NEIGHBORHOOD PLANNING
UNIT(S) (NPU) AND CITY DEPARTMENTS WHEN
CITY STREETS ARE TO BE ABANDONED
WHEREVER THE LEGISLATION ORIGINATE; AND
FOR OTHER PURPOSES.

WHEREAS, the notification of abutting property owners, all impacted public/private utility owners and city departments is the responsibility of the Public Service Division of the Department of Public Works; and

WHEREAS, the legislation does not require the Public Service Division to notify Neighborhood Planning Units (NPU); and

WHEREAS, this legislation would allow for the notification process to be extended to the impacted Neighborhood Planning Units (NPU) of the proposed street to be abandoned.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That Chapter 138, Article I, of the Code of Ordinances be amended by adding the bold language in Section 138-9 (b):

Sec. 138-9. Vacating and abandoning streets.

(a) In order to initiate a petition for the abandonment of any street or portion of any street, the petitioner or petitioners shall submit a petition to the Commissioner of Public Works, which shall consist of the following:

- 1) Names and addresses of petitioners;
- 2) Survey or plat of the area to be abandoned, prepared by a registered surveyor in a manner suitable for filing, and reviewed and approved by the department of public works;
- 3) Legal descriptions and area in square feet of the area to be abandoned;
- 4) Names and addresses of all abutting property owners;

- 5) A fee of \$2500.00 for abandoned streets abutting the development of residential subdivisions or commercial or industrial tracts, or a fee of \$2000.00 for abandoned streets abutting individual residential lots, which fees shall be applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment;
- 6) A certification that the petitioners and all abutting property owners intend to compensate the city for the fee simple fair market value of the parcel, if abandoned, in exchange for the consideration of the petition; and
- 7) Any other information deemed necessary or appropriate by the commissioner of the department of public works.

(b) Upon a determination that the petition is complete or legislation has been introduced by a member of the council, the Commissioner of Public Works or his designee shall do the following:

- 1) Notify all abutting property owners by certified mail of the petition to abandon said street and of their right to respond to the petition. The abutting property owners shall be allowed thirty days to respond.
- 2) Notify and receive responses from utility owners, city agencies, and other public agencies including but not limited to Police, Fire, Planning, Traffic and Transportation, Water, MARTA, **Neighborhood Planning Units (NPU)**, Georgia Department of Transportation, Highways and Streets, Atlanta Public Schools, and Grady Hospital.
- 3) Review existing records and make a site visit.
- 4) Post appropriate signage notifying the public of the proposed abandonment.
- 5) Evaluate the responses, documents, and findings from (1), (2), and (3) and determine, based on criteria established by the Commissioner, whether the street in question is no longer necessary as a public right-of-way and whether the petition for a street abandonment can be accommodated.
- 6) Advise the petitioner on the feasibility of abandoning the street and if the petition for abandonment is not feasible, advise the petitioners on what must be done to make it feasible.
- 7) Refund the fee paid pursuant to (a)(5) if the Commissioner of Public Works does not recommend the street abandonment.

(c) Upon a determination by the Commissioner of Public Works that the street is no longer necessary for the public's use and convenience as a public right of way, the Commissioner of Public Works shall submit an abandonment ordinance to the Council

for consideration. The fees described in (a)(4) may be waived by ordinance of the council upon recommendation by the purchasing agent.

(d) In order to vacate or abandon any street or a portion of any street, an ordinance prepared by the department of public works declaring the intent of the city to abandon the street or a portion of the street which, in the judgment of the council, has ceased to be used by the public to the extent that no substantial public purpose is served by it or is no longer needed for public road purposes shall be passed by the council. The ordinance shall authorize and require an advertisement to be inserted at least one time in one of the daily papers published in the city, which advertisement shall notify the public that a hearing on the question of the abandoning of the street or a portion of the street will be held by the city committee on utilities on a day certain, which date shall be not less than ten days from the date of the paper in which the advertisement appears. The advertisement shall give notice of the introduction of the ordinance, the street or portion of the street proposed to be vacated or abandoned and the time and place of the hearing thereon. The council staff of the City Utilities Committee through the municipal clerk's office shall be responsible for the advertisement being done in a timely manner. There shall be attached to the ordinance a plat or sketch showing the street or portion of the street to be vacated or abandoned. Notice of the hearing shall be given by the Department of Public Works to the owners of property located on the street or portion of the street to be vacated or abandoned. At the hearing, any person opposed to the vacation or abandonment shall be allowed a reasonable time within which to present such person's views and opposition thereto, after which the committee on utilities shall make its recommendation to the council on the ordinance. Thereafter, the council shall have full power and authority to adopt or reject the ordinance.

(e) Upon the adoption of the ordinance by the council after the hearing before the Committee on Utilities, and upon approval of the ordinance by the mayor, notice of vacation or abandonment shall be given by the Department of Public Works to property owners located on the street or portion of the street vacated or abandoned, and the street or portion of the street shall thereafter cease to be a street for any purpose whatsoever and the rights of the public in and to that section of the street vacated or abandoned shall cease.

(f) The fee provided for in (a)(5) and all proceeds from the sale of said street shall be deposited in account number 3P02 491102 M22F03349999.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

01-0-0880

(Do Not Write Above This Line)

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- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 6/4/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

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Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

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Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION